

Applic. No. 10/007,390
Amdt. dated January 15, 2004
Reply to Office action of October 16, 2003

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1 and 3-11 remain in the application. Claims 1, 3, 7, and 8 have been amended. Claim 2 has been cancelled.

In item 2 on page 2 of the Office action, claims 1, and 7-8 have been rejected as being fully anticipated by Weeks (U.S. Patent No. 2,016,660) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims as a whole have, therefore, not been amended to overcome the references. However, the subject matter of claim 2 has been added to independent claims 1, 7, and 8, for the purpose of allowing the arguments to refer to independent claims.

Independent claims 1, 7, and 8 have been amended to include the subject matter of dependent claim 2. Since claim 2 was not rejected over Weeks claims 1, 7, and 8 are believed to be allowable over Weeks.

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In item 3 on page 2 of the Office action, claim 8 has been rejected as being fully anticipated by Ting et al. (U.S. Patent No. 3,824,328) (hereinafter "Ting") under 35 U.S.C. § 102.

As noted above, independent claim 8 has been amended to include the subject matter of dependent claim 2. Since claim 2 was not rejected over Ting claim 8 is believed to be allowable over Ting.

In item 4 on page 2 of the Office action, claims 1 and 6-9 have been rejected as being fully anticipated by McLaughlin (U.S. Patent No. 490,082) under 35 U.S.C. § 102.

As noted above, independent claims 1, 7, and 8 have been amended to include the subject matter of dependent claim 2. Since claim 2 was not rejected over McLaughlin claims 1, 7, and 8 are believed to be allowable over McLaughlin. Furthermore, since claim 1 is believed to be allowable, dependent claims 6 and 9 are believed to be allowable as well.

In item 5 on page 3 of the Office action, claim 8 has been rejected as being fully anticipated by Mazzochette (U.S. Patent No. 6,016,085) under 35 U.S.C. § 102.

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As noted above, independent claim 8 has been amended to include the subject matter of dependent claim 2. Since claim 2 was not rejected over Mazzochette claim 8 is believed to be allowable over Mazzochette.

In item 7 on page 3 of the Office action, claims 1-3 and 6-9 have been rejected as being fully anticipated by Smith Jr. (U.S. Patent No. 3,474,375) (hereinafter "Smith") under 35 U.S.C. § 102 or in the alternative as obvious over Smith (U.S. Patent No. 3,474,375) in view of Zandman et al. (U.S. Patent No. 3,405,381) (hereinafter "Zandman") under 35 U.S.C. § 102.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1, 7, and 8 call for, *inter alia*:

a construction including the resistance zone and the power supply leads except for the connection contacts, and another electrically insulating and thermally conducting layer surrounding the construction.

The Smith reference discloses a precision resistor that has a narrow metal cup (52) surrounding the resistor (22), which is attached to flexible leads (15 and 20), which in turn are

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attached to lead wires (26' and 27'). The lead wires pass through a glass body (54) that is part of an end closure unit (53), which is attached to the narrow metal cup (52). A plastic container (51) is provided, which abuts the glass body of the end closure unit (53) and accommodates the resistor (22).

The reference does not show a construction including the resistance zone and the power supply leads except for the connection contacts, and another electrically insulating and thermally conducting layer surrounding the construction, as recited in claims 1, 7, and 8 of the instant application.

Furthermore, in the instant application the other electrically insulating and thermally conducting layer also inherently surrounds the insulation layer as well. The Smith reference discloses a plastic container (51) which accommodates the resistor (22) and which abuts the glass body (54). Therefore, the plastic container (51) does not surround the glass body (54). This is contrary to the invention of the instant application as claimed, in which the another insulating layer surrounds the insulating layer.

Furthermore, the definition of surround as found in Webster's New World Dictionary of the American Language is: to encircle on all or nearly all sides. The Smith reference discloses

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that the plastic container (51) accommodates the resistor (22) and only a very minimal amount of the lead wires (26' and 27') (Figs 7 and 8). Therefore, the plastic container of Smith cannot be considered to surround the lead wires (26' and 27') with the exception of the connection contacts. This is contrary to the invention of the instant application as claimed, in which a construction includes the power supply leads except for the connection contacts, and another electrically insulating and thermally conducting layer surrounds the construction.

Based on the above provided comments the reference does not disclose a construction including the resistance zone and the power supply leads except for the connection contacts, and another electrically insulating and thermally conducting layer surrounding the construction, as recited in claims 1, 7, and 8 of the instant application.

Regarding Zandman, applicants comment as follows. The Zandman reference does not make up for the deficiencies of Smith. Since claim 1 is believed to be allowable over Smith and over Smith in view of Zandman, dependent claims 3, 6, and 9 are believed to be allowable over Smith and over Smith in view of Zandman as well.

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In item 8 on page 4 of the Office action, claims 1, 4-5, 7 and 9-11 have been rejected as being obvious over Mazzochette (U.S. Patent No. 6,016,085) in view of Ogren (U.S. Patent No. 3,463,636) under 35 U.S.C. § 103.

As noted above, independent claims 1, and 7 have been amended to include the subject matter of dependent claim 2. Since claim 2 was not rejected over Mazzochette in view of Ogren claims 1 and 7 are believed to be allowable over Mazzochette in view of Ogren. Since claims 1 and 7 are believed to be allowable, dependent claims 4-5 and 9-11 are believed to be allowable as well.

In item 9 on page 5 of the Office action, claims 10 and 11 have been rejected as being obvious over Smith Jr. (U.S. Patent No. 3,474,375) in view of Ogren (U.S. Patent No. 3,463,636) under 35 U.S.C. § 103. Ogren does not make up for the deficiencies of Smith. Since claims 1 and 7 are believed to be allowable, dependent claims 10 and 11 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 7, or 8. Claims 1, 7 and 8 are, therefore, believed to be patentable over the art

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and since all of the dependent claims are ultimately dependent on claims 1 or 7, they are believed to be patentable as well.

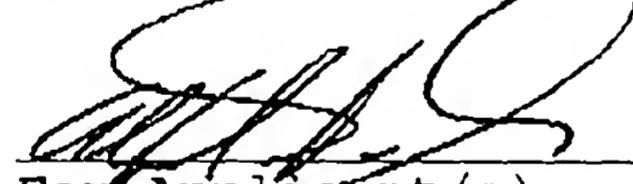
In view of the foregoing, reconsideration and allowance of claims 1 and 3-11 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,



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